

PROB 12B
(7/93)

Report Date: April 10, 2012
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

Eastern District of Washington

APR 10 2012

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Leonel Mendoza

Case Number: 2:05CR02075-014

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 8/21/2006

Type of Supervision: Supervised Release

Original Offense: Conspiracy, 21 U.S.C. § 846

Date Supervision Commenced: 1/15/2010

Original Sentence: Prison - 60 Months; TSR - 48
Months

Date Supervision Expires: 1/14/2014

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 17 You shall complete 120 hours of community service work, at the rate of not less than 30 hours per month at a not-for-profit site approved in advance by the supervising probation officer. The hours are to be completed in full no later than August 10, 2012.

CAUSE

On January 5, 2011, a report was submitted to the Court advising the defendant had been charged on September 10, 2010, with assault domestic violence and destruction/removal of property under \$100, in Benton County District Court under case number K00052251. As the case had not been concluded it was recommended no action be taken.

On February 10, 2011, the defendant was granted a 12 month deferred prosecution.

On July 30, 2011, the defendant was cited for driving under the influence (DUI) under case number J00847333. The defendant plead guilty to a lesser charge of negligent driving in the first degree on September 22, 2011, and was sentenced to 90 days custody with 89 days suspended.

On September 12, 2011, while pending the outcome of the DUI case, the defendant was cited for disorderly conduct after becoming involved in a physical altercation at a sports bar in Kennewick under case number 1Z0605154.

On February 22, 2012, the defendant plead guilty to disorderly conduct. The defendant's deferred prosecution, under case number K00052251, was revoked due to his conviction. The defendant was sentenced to 20 days of work crew and to complete an alcohol and drug assessment. The defendant will also be required to follow thorough with all recommended treatment.

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The defendant's actions in each case are unacceptable for any individual under a term of supervised release. He will now begin the process of completing his work crew hours, obtaining an assessment, and paying for all expenses involved in each case. The defendant is currently employed full time and is able to meet his obligations. The defendant will complete his work crew and community service hours at a time which does not conflict with his employment. The recommendation to the Court is being made to allow the defendant to maintain his employment, complete work crew and assessments with Benton County, and to hold him accountable for his violations of supervised release with the Court.

I declare under penalty of perjury that the foregoing is true and correct.

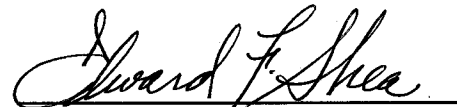
Executed on: 04/10/2012

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

4/10/12
Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

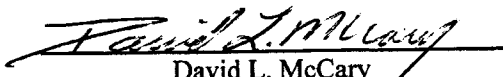
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

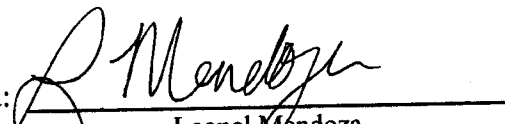
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Witness:


David L. McCary
U.S. Probation Officer

Signed:


Leonel Mendoza
Probationer or Supervised Releasee

April 9, 2012

Date